

EXHIBIT 1

Date: 11/27/84
 Subject: Clyde Ray Spencer Referred Crime: SR 1°
 Officer: Sharon Krause Agency: Clark Co. Sheriff's Office Case No: 84-8506
Suspect: SPENCER, Clyde
☒ are declining to file this case in Superior Court for the following reason:

- ☐ A. Case is being returned for filing in municipal or district court.
- ☐ B. Case is being declined for non-evidentiary reasons.
- ☒ C. Case is being returned because it is legally insufficient.

Reasons:

Five year old victim alleges her natural father sexually assaults her when she visits and her step-mom Shirley in Vancouver, Wash. Initial disclosure to Shirley and victim names 3 others as having abused her in addition to the 1.

1) Child appears from police reports to be extremely reluctant to talk about facts. Sharon Krause had to spend several hours one on one with victim, who also indicated she would not talk about it "with boys". She also did not talk to a female counselor. This clearly does not bode well for testifying in court.

2) Initial naming of multiple →

Interview? ☐ yes ☐ no
 notified on _____

Proposed by:

Date:

Approved by: R D RoeDate: 11/27/84

King County Prosecuting Attorney's Office

DECLINE

EXHIBIT E

(original to file; copy to Detective; Chief, Criminal Division)

aspects is very disturbing and child explanation that she thought it wouldn't hurt Shirley's feelings as much just didn't make her "sit back" away. Combined with p. 5 of Shirley's handwritten statement, where child talked about rubbing Shirley - it creates questions about fact vs. fantasy. I believe this point is a built in reasonable doubt

There are inconsistencies - not surprisingly in child's statements over all issues:

no. of times - many times, vs. one time
 what & wearing - a nude vs. a wearing
 what & wearing - underwear vs. a wearing robe
 what & wearing - both nude vs. V's had
 parties vs. V had pajamas

all the varying descriptions may well be the result of the descriptions of different events - but then I find it disturbing that she's inconsistent on whether it happened more than once. I don't expect consistency on number of times for 5 yr. old, but question of one vs. more than one - should be consistent.

Date: 11-27-84
 Suspect: Clyde Ray Spencer Referred Crime: Rape (Stat)
 Officer: _____ Agency: _____ Case No: 84-8506

Suspect:

We are declining to file this case in Superior Court for the following reason:

- ☐ A. Case is being returned for filing in municipal or district court.
- ☐ B. Case is being declined for non-evidentiary reasons.
- ☐ C. Case is being returned because it is legally insufficient.

Reasons:

if it happened more than 1x - to account for inconsistent explanations, I'd expect explanation at some point being described.

In sum, I think a case with a five year old and absolutely nothing else is fileable if there is no significant problem with what the five year old says. Here there are several problems. Although I believe child was clearly abused, and probably by the defendant, the case is unwinnable even assuming you can get the child to talk.

 Interview? yes no

Notified on: _____

Proposed by:

Date:

Approved by:

Date: 11/27/84

King County Prosecuting Attorney's Office

DECLINE

(Original to file; copy to detective; Chief, Criminal Division)

Spencer-01001